

SENATE BILL 1073

By Wilder

AN ACT to amend Tennessee Code Annotated, Title 8 and Title 16, Chapter 15, relative to retirement for general sessions and juvenile court judges.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 8-34-601(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) Any Group 1, Group 3 or Group 4 state judge or general sessions, probate, juvenile or domestic relations judge who remains in service upon attaining seventy (70) years of age may continue to participate in the retirement system and to accrue creditable service.

SECTION 2. Tennessee Code Annotated, Section 8-34-603(a)(3)(A), is amended by adding the following new subdivision:

(vii) Any member establishing service in Group 4 who is a general sessions, probate, juvenile or domestic relations judge on or after July 1, 2007, which was rendered in a capacity covered by Group 1, Group 3, or Group 4, shall receive credit in Group 4. This credit in Group 4 shall apply to all creditable years authorized by the Tennessee consolidated retirement system that such judge may be entitled to or had accumulated on or before July 1, 2007. It is the intent of this provision that all credits by such judge shall be Group 4.

SECTION 3. Tennessee Code Annotated, Section 8-34-622, is amended by deleting the section in its entirety and by substituting instead the following:

Any member in Group 4 may establish creditable service only for service rendered and contributions made as a state, general sessions, probate, juvenile or domestic relations judge; an attorney general and reporter who meets the requirements

of § 8-34-623(b); a constitutional convention member as provided by § 8-34-608; and for military service as provided by § 8-34-605.

SECTION 4. Tennessee Code Annotated, Section 8-34-623, is amended by adding the following language as new, appropriately designated subsection:

(c) Notwithstanding any provision of the law to the contrary, any Group 1 or 3 general sessions, probate, juvenile or domestic relations judge defined herein shall be eligible to elect to transfer any service previously established as a state judge, general sessions, probate, juvenile or domestic relations judge; a member of a constitutional convention as provided by § 8-34-608; and for military service as provided by § 8-34-605, from Group 1 or 3 to Group 4 of the retirement system. It is further provided that such transfer of service shall occur upon the election by the member as Group 4 service and the lump sum payment, if applicable, of the difference between what the member would have contributed as a member of Group 4 and the amount of employee contributions to the member's credit on the effective date of transfer. If such election and transfer of service and applicable payment occurs within one hundred eighty (180) days of July 1, 2007, it shall be without interest. An election, transfer of service and payment occurring after one hundred eighty (180) days of July 1, 2007, shall include interest pursuant to § 8-37-214.

SECTION 5. Tennessee Code Annotated, Section 8-34-715, is amended by deleting the section in its entirety and by substituting instead the following:

Notwithstanding any provision of law to the contrary, a state, general sessions, probate, juvenile or domestic relations judge shall receive full retirement credit for service rendered after such judge's seventieth birthday.

SECTION 6. Tennessee Code Annotated, Title 8, Chapter 34, Part 7, is amended by adding the following language as a new, appropriately designated section:

§ 8-34-718. Notwithstanding any provision of law to the contrary, any state, general sessions, probate, juvenile or domestic relations judge, who, prior to July 1, 2007, participated in Group 1 or 3 classifications of the retirement system, may elect, by completing the necessary forms, to transfer membership into Group 4 of the retirement system from and after July 1, 2007. The election to transfer membership shall become effective on the date of the election.

SECTION 7. Tennessee Code Annotated, Section 8-35-105(a)(4), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(4) Group 4. State judges entering service on or after September 1, 1990; state judges transferring membership under chapter 34, part 7; any attorney general and reporter who meets the requirements of § 8-34-623(b) and enters service on or after July 1, 2005; any attorney general and reporter who meets the requirements of § 8-34-623(b) and transfers membership under chapter 34, part 7; any judge of a general sessions, probate, juvenile or domestic relations court who meets the requirements of § 8-34-623(c) and enters service on or after July 1, 2007; and any judge of a general sessions, probate, juvenile or domestic relations court who meets the requirements of § 8-34-623(c) and transfers membership under chapter 34, part 7.

SECTION 8. Tennessee Code Annotated, Section 8-35-105(c), is amended by deleting the subsection in its entirety and by substituting instead the following:

(c) Notwithstanding any provision of the law to the contrary, any person becoming a member of the retirement system after June 30, 1976, shall be classified as a Group 1 member, except a state judge, an attorney general and reporter, and a general sessions, probate, juvenile or domestic relations judge who meets the requirements of § 8-34-623(b). A state judge becoming a member of the retirement system on or after September 1, 1990, shall be classified as a Group 4 member. An

attorney general and reporter who meets the requirements of § 8-34-623(b) and becomes a member of the retirement system on or after July 1, 2005, shall be classified as a Group 4 member. A general sessions, probate, juvenile, or domestic relations judge who meets the requirements of § 8-34-623(c) and becomes a member of the retirement system on or after July 1, 2007, shall be classified as a Group 4 member.

SECTION 9. Tennessee Code Annotated, Section 8-36-204(b)(1), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(1) In addition to all requirements for service, or early service retirement, any employee, except a Group 4 state, general sessions, probate, juvenile or domestic relations judge becoming a member of the retirement system on or after July 1, 1979, must have a total of ten (10) years of creditable service to qualify for retirement benefits. A Group 4 state, general sessions, probate, juvenile or domestic relations judge must have eight (8) years of creditable service to qualify for retirement benefits.

SECTION 10. Tennessee Code Annotated, Section 16-15-5006, is amended by adding the following language as a new, appropriately designated subsection:

(c) Each county shall be responsible for paying the full pension liability costs for all general sessions and juvenile judges in their county to the Tennessee consolidated retirement system. The pension liability costs shall include, but not be limited to, the employee portion of the retirement cost, the county's portion of the retirement cost, and the associated state and county administrative costs. Counties are authorized to impose a local litigation tax on each civil and criminal case filed in general sessions court, in a court where the general sessions judge has jurisdiction and serves as judge, or in juvenile court. In order for the tax to be effective, it must be approved by a two-thirds (2/3) vote of the county legislative body of any county wishing to impose the tax. Its approval by the county legislative body must be proclaimed by the presiding officer of

such body and certified by the presiding officer to the secretary of state. The litigation tax authorized by this section shall become effective on July 1, 2007, and shall be no less than two dollars (\$2.00) per case. Proceeds of the litigation tax shall be paid to the county general fund. It is the intent of the general assembly that the proceeds of this local tax defray the cost to counties of paying the general sessions and juvenile court judges' pension liability and administrative costs. If, during any fiscal year, the amount of revenue generated by the local tax enacted pursuant to this section does not sufficiently fund the full pension liability and administrative costs, the local litigation tax may be raised to an amount more than two dollars (\$2.00), if necessary to fund the pension liability costs; provided, that any increase to the litigation tax may be adjusted semi-annually.

SECTION 11. This act shall take effect July 1, 2007, the public welfare requiring it.